IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.15931 of 2008
SHYAM KUMAR MAHTO @ SHYAM MAHTO
Versus
STATE OF BIHAR
WITH
Cr.Misc. No.25060 of 2008
RAJ KUMARI DEVI
Versus
STATE OF BIHAR

3/ 07.07.2008 Learned Counsel for the petitioner is permitted to make necessary correction in the prayer portion of Cr. Misc. No. 15931 of 2008.

Heard learned Counsel for the petitioner and learned Counsel appearing on behalf of the State.

Since both the above bail applications have arisen out of one Khanpur P.S. Case No. 91/2007 they have been heard together and are being disposed of by this common order.

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The case under Sections 304B and 201/34 of the Indian Penal Code was registered on the written application of Parmeshwar Singh. Informant's daughter married with the petitioner Shyam Kumar Mahto @ Shyam Mahto was being subjected to torture in connection with dowry related demands. Ultimately she was done to death because of her inability to procure Rs. 70,000/- and a motorcycle from her parents.

Submission is that after death of the informant's daughter, informant started to demanding Rs. 2,50,000/- and when that was not given then a petition was filed before the S.D.O. Samastipur vide Application No. 2660 of 2007. Co-accused Shivjee Mahto has been granted bail by this Court in Cr. Misc. No. 49819 of 2007 vide order dated 05.03.2008.

There is no separate allegation. The death occurred within seven years of marriage. There is allegation that prior to death the daughter of the informant was being subjected to torture by her in-laws.

Considering the allegations against the petitioner Shyam Kumar Mahto @ Shyam Mahto in Cr. Misc. No. 15931 of 2008, he is the husband of the deceased and he cannot be equated with any other person, I am not inclined to enlarge him on bail. Accordingly his prayer for bail is rejected.

Considering all the facts and circumstances of the case, petitioner Raj Kumari Devi in Cr. Misc. No.25060 of 2008 is ordered to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of F.T.C. No. I, Samastipur in S.T. No. - 896/2007 arising out of Khanpur P.S. Case No. 91 of 2007.

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kksinha/ **(Shyam Kishore Sharma, J.)**